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April 21, 2021

VIA E-MAIL (Kathleen.Allen@LA.GOV) AND FEDEX

Ms. Kathleen Allen
Louisiana Board of Ethics
P.O. Box 4368
Baton Rouge, Louisiana 70821

Re: Request for Advisory Opinion - École Saint-Landry

Dear Ms. Allen:

We represent Sunset French Immersion School, Inc. a/k/a École Saint-Landry ("Sunset"). We write to you seeking an advisory opinion from the Louisiana Board of Ethics ("Board") concerning whether the below described transaction regarding Jerry Domengeaux, President of the Board of Sunset, is permissible under the Louisiana Code of Ethics (the "Ethics Code"). We respectfully request that you consider this matter on an **expedited basis** and place this matter on the docket for the Board's May 2021 meeting because the transaction described below is scheduled to close during the first week of June, prior to the Board's June 2021 meeting.

Mr. Domengeaux is a board member of Sunset, a charter school in Sunset, Louisiana. A separate nonprofit corporation, Sunset French Immersion School Foundation Inc. (the "Foundation") is being incorporated under Louisiana law and will serve as a support organization for Sunset. The Foundation plans to acquire immovable property, which the Foundation will lease to Sunset to be used as the school site. The lender providing financing for the Foundation's property acquisition requires a guaranty on the loan. Mr. Domengeaux in his individual capacity would like to offer a certificate of deposit (CD) and a personal guaranty as collateral on the loan to the Foundation.

Mr. Domengeaux is not a board member of the Foundation. He will not receive anything of economic value from Sunset, the Foundation, or any other source in connection with this transaction. In other words, Mr. Domengeaux offering this collateral for the Foundation loan is for charitable reasons and will be on a purely gratuitous basis from Mr. Domengeaux's perspective. It should be noted that Mr. Domengeaux's son, Christopher Chad Domengeaux, is an employee at Lambright Construction Inc., which was awarded a contract¹ to perform construction on the immovable property to be acquired by the Foundation. Mr. Domengeaux's son has no ownership interest in Lambright Construction Inc. Additionally, Mr. Domengeaux has no ownership interest

¹ Although multiple contractors initially responded to the Request for Proposal during the bid process for this construction project, only one contractor – Lambright Construction Inc.—submitted a proposal.

in Lambright Construction Inc. Mr. Domengeaux's son will receive no direct compensation or other thing of economic value for performing construction work on this site other than his regular salary from Lambright Construction Inc. Further, Mr. Domengeaux's son is not a board member of Sunset or the Foundation. Finally, Domengeaux's Lumber Depot Inc. in which Mr. Domengeaux is the owner may sell material to Lambright Construction Inc. during the construction process.

Taking these facts into consideration, we ask that the Board issue an advisory opinion on the following:

1. Under the Ethics Code, may Mr. Domengeaux continue his Board service on Sunset's Board if he provides a certificate of deposit (CD) and a personal guaranty as collateral for the loan to be obtained by the Foundation to acquire immovable property which Sunset will lease?
2. Should Mr. Domengeaux recuse himself from any agenda item relating to the lease of the facility by Sunset from the Foundation?
3. Finally, is contracting with the construction company by which an immediate family member of the Sunset Board is employed but holds no ownership interest in, or the selling of materials by a company owned by a Sunset Board member to a construction company which will work on the property owned by Sunset prohibited by the Ethics Code?

Thank you for your consideration of this matter. Please place this request on the docket for the Board's May 2021 meeting. If you have any questions regarding this request, please do not hesitate to let us know.

Sincerely,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC



Melissa M. Grand

MMG/bsm

Kathleen Allen

From: Grand, Melissa <mgrand@bakerdonelson.com>
Sent: Wednesday, April 21, 2021 11:22 AM
To: Kathleen Allen
Subject: Request for advisory opinion on expedited basis- Jerry Domengeaux, Ecole Saint-Landry
Attachments: Sunset - Jerry Domengeaux request for advisory opinion from Ethics Board
4827-8878-2566 v.2.pdf

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Ms. Allen,

Please see attached request for advisory opinion. We respectfully request expedited consideration of this matter at the Board's May 2021 meeting because the transaction at issue is set to close prior to the Board's June 2021 meeting, as described in the attached letter. If you have any questions or if you need additional information, please do not hesitate to let me know.

Thank you,

Melissa

Melissa M. Grand

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